

1 **AN ACT** *to repeal* 48.981 (7) (cr) 5. a., e., and f.; *to renumber* 48.981 (7) (cr) 4. e. and
2 f.; *to renumber and amend* 48.981 (7) (cr) 4. a.; *to amend* 48.981 (7) (cr) 3. b. and
3 c. and 48.981 (7) (cr) 4. (intro.), b., c., d. and g.; and *to create* 48.981 (7) (cr) 3m.
4 (intro.) and 48.981 (7) (g) of the statutes; relating to: limiting the disclosure of
5 certain information about critical incidents of child abuse or neglect to information
6 that is pertinent to the child abuse and neglect and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Study Committee on Public Disclosure and Oversight of Child Abuse and Neglect Incidents.

Background

Under current law, the Department of Children and Families (DCF) must prepare summary reports of its review of incidents of death, serious injury, or egregious child abuse or neglect, generally within 90 days after receiving a report of such incidents. DCF must transmit the summary reports to the Governor and the appropriate standing committees of the legislature, as well as make the reports publicly available.

For incidents involving a child that was residing in his or her home at the time of the incident, current law specifies the information that DCF must provide in the summary reports. This information includes specified information about the history of and involvement with the child welfare system by: (1) the child; (2) any member of the child’s family; and (3) the person suspected of the abuse or neglect.

Bill Draft

The bill draft narrows the types of information disclosed in the summary reports for incidents involving a child residing in his or her home at the time of the incident. Specifically, for such incidents, the bill draft requires DCF to include in the summary report only information that is pertinent to the child abuse or neglect that led to the incident involving the child, any member of the child’s family residing in the child’s home

at the time of the incident, any caregiver of the child, and the person suspected of the] abuse or neglect. The bill draft also requires DCF to promulgate administrative rules specifying the types of information that may be considered pertinent to the child abuse or neglect that led to a critical incident.

1 **SECTION 1.** 48.981 (7) (cr) 3. b. and c. of the statutes are amended to read:

2 48.981 (7) (cr) 3. b. Within 90 days after receiving the information provided under subd.
3 2., the subunit of the department that received the information shall prepare, transmit to the
4 governor and to the appropriate standing committees of the legislature under s. 13.172 (3), and
5 make available to the public a summary report that contains the information specified in subd.
6 3m. and subd. 4. or 5., whichever is applicable. That subunit may also include in the summary
7 report a summary of any actions taken by the agency in response to the incident and of any
8 changes in policies or practices that have been made to address any issues raised in the review
9 and recommendations for any further changes in policies, practices, rules, or statutes that may
10 be needed to address those issues. If the subunit does not include those actions or changes and
11 recommended changes in the summary report, the subunit shall prepare, transmit to the
12 governor and to the appropriate standing committees of the legislature under s. 13.172 (3), and
13 make available to the public a report of those actions or changes and recommended changes
14 within 6 months after receiving the information provided under subd. 2. Those committees
15 shall review all summary reports and reports of changes and recommended changes
16 transmitted under this subd. 3. b., conduct public hearings on those reports no less often than
17 annually, and submit recommendations to the department regarding those reports.

18 c. Subdivision 3. a. and b. does not preclude the subunit of the department that prepares
19 the summary report from releasing to the governor, to the appropriate standing committees of
20 the legislature under s. 13.172 (3), or to the public any of the information specified in subd.
21 3m., 4., or 5. before the summary report is transmitted to the governor and to those committees

1 and made available to the public; adding to or amending a summary report if new information
2 specified in subd. 3m., 4., or 5. is received after the summary report is transmitted to the
3 governor and to those committees and made available to the public; or releasing to the
4 governor, to those committees, and to the public any information at any time to correct any
5 inaccurate information reported in the news media.

NOTE: This SECTION adds cross-references to the non-substantive provision created in SECTION 2 that requires DCF to include specific information in a summary report, regardless of whether the child was residing in his or her home or placed in out-of-home care at the time of the incident.

6 **SECTION 2.** 48.981 (7) (cr) 3m. (intro.) of the statutes is created to read:

7 48.981 (7) (cr) 3m. (intro.) The summary report under subd. 3. shall contain all of the
8 following:

NOTE: Currently, the statutes provide two separate lists of information that must be disclosed in summary reports, one for incidents that occurred when the child was residing in his or her home at the time of the incident and the other for incidents that occurred while the child was residing in out-of-home care. To reduce redundancy, this SECTION, in conjunction with SECTIONS 4, 5, and 6 consolidates the types of information that DCF must include in a summary report, regardless of whether the child was residing in his or her home or placed in out-of-home care at the time of the incident. This SECTION provides the introductory language for the list of information that is listed in SECTIONS 4 and 5 and does not make any substantive changes to the statutes.

9 **SECTION 3.** 48.981 (7) (cr) 4. (intro.), b., c., d., and g. of the statutes are amended to read:

10 48.981 (7) (cr) 4. (intro.) If the child was residing in his or her home when the incident
11 of death or serious injury or the incident of egregious abuse or neglect occurred, the summary
12 report under subd. 3. shall contain all of the following, if pertinent to the child abuse or neglect
13 that led to the incident:

14 b. A statement of whether any services under this chapter or ch. 938 were being
15 provided to the child, any member of the child's family residing in the child's home at the time

1 of the incident, any caregiver of the child, or the person suspected of the abuse or neglect, or
2 whether any of those persons was the subject of a report being investigated under sub. (3) or
3 of a referral to the agency for services, at the time of the incident and, if so, the date of the last
4 contact between the agency providing those services and the person receiving those services.

5 c. A summary of all involvement of the child's parents residing in the child's home at
6 the time of the incident, of any caregiver of the child, and of the person suspected of the abuse
7 or neglect in any incident reported under sub. (3) or in receiving services under this chapter
8 or ch. 938 in the 5 years preceding the date of the incident.

9 d. A summary of any actions taken by the agency with respect to the child, any member
10 of the child's family residing in the child's home at the time of the incident, any caregiver of
11 the child, and the person suspected of the abuse or neglect, including any investigation by the
12 agency under sub. (3) of a report in which any of those persons was the subject and any
13 referrals by the agency of any of those persons for services.

14 g. A summary of any investigation that has been conducted under sub. (3) of a report
15 in which the child, any member of the child's family, any caregiver of the child, or the person
16 suspected of the abuse or neglect was the subject and of any services that have been provided
17 to the child and the child's family since the date of the incident.

NOTE: This SECTION requires DCF to only disclose information related to the history and involvement of the child welfare system that is pertinent to the child abuse or neglect for those incidents in which the child was residing in his or her home at the time of the incident. The term "pertinent" is used in the federal Child Welfare Policy Manual's description of the minimum types of information that states must publicly disclose to maintain compliance with the federal Child Abuse Prevention and Treatment (CAPTA). In addition, this SECTION limits the individuals whose information may be disclosed to the child's family members that resided in the child's home at the time of the incident. This SECTION also adds a child's caregiver among the individuals whose

history and involvement with the child welfare system must be disclosed in a summary report.

1 **SECTION 4.** 48.981 (7) (cr) 4. a. of the statutes is renumbered 48.981 (7) (cr) 3m. a. and
2 amended to read:

3 48.981 (7) (cr) 3m. a. Information about the child, including the age, gender, and race
4 or ethnicity of the child, a description of the child’s family if the child was residing in his or
5 her home when the incident of death or serious injury or the incident of egregious abuse or
6 neglect occurred, and, if relevant to the incident, a description of any special needs of the child.

NOTE: This SECTION, in conjunction with SECTIONS 2, 5, and 6, consolidates two current law provisions that require identical types of information to be included in summary reports for both children residing in his or her home and children placed in out-of-home care at the time of the incident. SECTION 2 creates introductory language for the provisions renumbered by this SECTION.

7 **SECTION 5.** 48.981 (7) (cr) 4. e. and f. of the statutes are renumbered 48.981 (7) (cr) 3m.
8 b. and c.

9 **SECTION 6.** 48.981 (7) (cr) 5. a., e., and f. of the statutes are repealed.

NOTE: This SECTION repeals provisions that are substantively included in SECTIONS 2, 4, and 5.

10 **SECTION 7.** 48.981 (7) (g) of the statutes is created to read:
11 48.981 (7) (g) The department shall promulgate rules to specify the types of information
12 under par. (cr) 4. that may be considered pertinent to the child abuse or neglect.

NOTE: This SECTION requires DCF to promulgate administrative rules to specify the types of information that may be considered “pertinent” to the child abuse or neglect and therefore be included in a critical incident’s summary report.

COMMENT: Does the committee wish to include any further guidance regarding how DCF should interpret the word “pertinent”?

13 **SECTION 8. Initial applicability.**

